



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/542,625	04/04/00	TUTTLE	M 91-579.10

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IM31/1127

EXAMINER

MAYES, M

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 11/27/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/542,625

Applicant(s)

Tuttle et al.

Examiner

M. Curtis Mayes

Group Art Unit

1734

☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 25-31 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 25, 27, 28, 30, and 31 is/are rejected.

☒ Claim(s) 26 and 29 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

(1)

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

(2)

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuzaki.

Matsuzaki discloses a method of making a detection tag sheet comprising: supplying polyester films 50A, 50B and 50C from rollers; printing conductive patterns on films 50A and 50C and providing diodes on film 50A to form LC resonators; attaching the films by thermocompression bonding; and taking up the continuous strip on a product roller (col. 1-5)

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By printing conductive patterns on the films and providing diodes on one of the films to form LC resonators, a plurality of RFID transceivers are obviously mounted between the two films (sheets) at spaced intervals, as claimed, as such resonators operate by transmitting and receiving radio frequencies.

(3)

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baker.

Baker discloses a method of making a folded RF marker for EAS systems comprising: providing a polymer sheet; providing a conductive layer on the sheet to form an electrical circuit; folding the sheet on itself with the conductive layer facing inward and a dielectric sheet inserted between the inward facing surfaces; and bonding the resulting sandwich together (col. 3-7).

By providing a conductive layer on the polymer sheet to form an electrical circuit and bonding the resulting sandwich together after folding, an RFID transceiver is obviously mounted on a first half of the sheet and the sheet obviously sealed along a contour which encircles the RFID transceiver, as claimed.

(4)

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reeb.

Reeb discloses a method of making radio frequency circuits as marker means in EAS systems comprising: providing sheet-like polymer carrier material from a supply spool; providing conductive patterns on the carrier material; folding the two leaves of the carrier material onto each other; sealing the leaves to each other by sealing film coated on the sheet-like carrier

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material; applying adhesive and peel-off paper and cutting the sealed leaves to obtain a web consisting of an endless peel-off strip carrying a succession of adhesive circuits such that circuits can be peeled off and automatically attached to objects by means of known rolling dispensers (col. 1, lines 59-66, col. 9-42).

By providing conductive patterns on the sheet-like polymer carrier material having two leaves and sealing the leaves of the carrier material by sealing film coated on the carrier material, a RFID transceiver is obviously mounted on a first half of the sheet and the sheet obviously sealed along a contour which encircles the RFID transceivers, as claimed.

(5)

Claims 25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeb as applied to claim 31 above, and further in view of Baro et al.

Baro et al. teach that in the electronic article surveillance (EAS) industry, the labels are formed in a line on a liner which acts as a carrier for the labels and the liner is wound onto a core to form a roll. In order to protect the labels and to permit easy release of the labels from the roll, a dispenser is used to house the roll and to detach individual labels from the roll (col. 1, lines 9-20).

It would have been obvious to one of ordinary skill in the art to have modified the method of Reeb for making RF markers by providing the markers on the peel-off strip as a roll in a dispenser, as taught by Baro et al. to house the roll and protect the labels and permit easy release of the labels from the roll. Providing the dispenser with RF shielding as claimed would have been

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obvious to one of ordinary skill in the art as it would have been obvious to one of ordinary skill in the art that RF markers should be protected from exposure to radio frequency until use.

***Allowable Subject Matter***

(6)

Claim 26 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

(7)

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references disclose making EAS systems or labels.

(8)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis Mayes, whose telephone number is (703) 308-1977. The examiner can normally be reached on Monday-Friday from 6:30 AM-3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino, can be reached on (703) 308-3853.

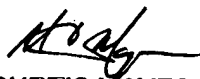
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The Official FAX phone number for this Tech Center 1700 is (703) 305-7718.

The Unofficial Fax phone number is (703) 305-7115.

When filing a FAX in Tech Center 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with PTO that are not for entry into the file of the application. This will expedite processing of your papers.

The receptionist number for Tech Center 1700 is (703) 308-0661.

  
CURTIS MAYES  
PRIMARY EXAMINER  
Art Unit 1734  
October 31, 2000